

Case 2:05-cv-00941-MER-VPM Document 14 Filed 11/21/2005 Page 1 of 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

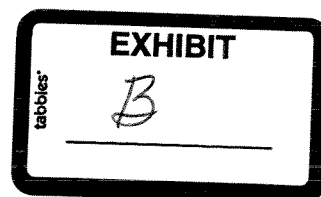
WILLIAM RANDOLPH HALL, SR., )  
As the Administrator of the Estate of )  
WILLIAM RANDOLPH HALL, JR., )  
Plaintiff, )  
v. )  
PFIZER, INC., *et. al.*, )  
Defendants. )

CASE NO. 2:05-cv-941-F

**ORDER**

This cause is before the Court on Defendants' Motion for a Stay of All Proceedings Pending Transfer to Multidistrict Litigation Proceeding (Doc. # 9) filed on 21 October 2005. The Court has considered the arguments in support of and in opposition to this motion. It is hereby ORDERED as follows:

1. Defendants' Motion for a Stay of All Proceedings Pending Transfer to Multidistrict Litigation Proceeding (Doc. # 9) is GRANTED. This cause is STAYED pending MDL transfer to *In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation, MDL-1699*.
2. A ruling on Plaintiffs' Motion to Remand (Doc. # 7) filed on 7 October 2005 is WITHHELD pending a final decision from the Panel on Multidistrict Litigation on transfer of this case to the multi-district litigation proceeding.
3. Defendant's Motion for Leave to File Reply (Doc. # 12) is DENIED as



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MOOT.

DONE this 21<sup>ST</sup> day of November, 2005.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ANN BEVERLY, etc., :  
Plaintiff, :  
vs. : CIVIL ACTION 05-0542-M  
PFIZER INC., et al., :  
Defendants. :

ORDER

The Court heard from counsel this date by telephone on the Notice of Parties' Planning Meeting (Doc. 15) and the status of this action. It appears that this action will be transferred as a tag-along action to the Northern District of California within the next several days, to become a part of MDL-1699, *In re Bextra and Cellebrex Marketing, Sales, Practices and Products Liability Litigation*. Therefore, Defendants' Motion for a Stay of All Proceedings Pending Transfer to Multidistrict Litigation Proceeding (Doc. 7) is **GRANTED**.

Plaintiff's Motion for Expedited, Emergency Ruling (Doc. 10) is **MOOT**. Plaintiff's Emergency Motion to Remand and Motion for Sanctions (Doc. 9), with supporting brief (Doc. 11), and Defendants' Reply Brief (Doc. 13) will be considered if and when this action is remanded to this District.

The fictitious parties set out in the complaint are

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hereby **STRICKEN** since fictitious party pleading is not generally recognized under the Federal Rules of Civil Procedure. See e.g., Fed.R.Civ.P. 10(a); 28 U.S.C. § 1441(a); Rommell v. Automobile Racing Club of America, Inc., 964 F.2d 1090, 1098 n.14 (11th Cir. 1992); Weeks v. Benton, 649 F.Supp. 1297, 1298 (S.D. Ala. 1986).

Counsel for the parties are to ensure that all future filings contain the correct and proper names of the corporate Defendants as more fully set out in Defendants' Answer (Doc. 2).

DONE this 17<sup>th</sup> day of November, 2005.

s/BERT W. MILLING, JR.  
UNITED STATES MAGISTRATE JUDGE

Case 2:05-cv-00824-MEF-SRW Document 23 Filed 11/15/2005 Page 1 of 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

KATIE THOMAS, )  
 )  
Plaintiff, )  
v. ) CASE NO. 2:05-cv-824-F  
 )  
PFIZER, INC., *et. al.*, )  
 )  
Defendants. )

**ORDER**

This cause is before the Court on Defendants' Motion for a Stay of All Proceedings Pending Transfer to Multidistrict Litigation Proceeding (Doc. # 14) filed on September 26, 2005. The Court has considered the arguments in support of and in opposition to this motion. It is hereby ORDERED as follows:

1. Defendants' Motion for a Stay of All Proceedings Pending Transfer to Multidistrict Litigation Proceeding (Doc. # 14) is GRANTED and this case is STAYED pending a final decision from the Panel on Multidistrict Litigation on transfer of this case to the multi-district litigation proceeding.

2. A ruling on Plaintiffs' Motion to Remand (Doc. # 7) filed on September 7, 2005 is WITHHELD pending a final decision from the Panel on Multidistrict Litigation on transfer of this case to the multi-district litigation proceeding.

DONE this 15th day of November, 2005.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE

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forwarded to  
6/1/06  
11/15/05*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROSE M. NELSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 2:05-cv-832-F
	)	
PFIZER, INC., <i>et. al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This cause is before the Court on Defendants' Motion for a Stay of All Proceedings Pending Transfer to Multidistrict Litigation Proceeding (Doc. # 16) filed on September 26, 2005. The Court has considered the arguments in support of and in opposition to this motion. It is hereby ORDERED as follows:

1. Defendants' Motion for a Stay of All Proceedings Pending Transfer to Multidistrict Litigation Proceeding (Doc. # 16) is GRANTED and this case is STAYED pending a final decision from the Panel on Multidistrict Litigation on transfer of this case to the multi-district litigation proceeding.
2. A ruling on Plaintiffs' Motion to Remand (Doc. # 8) filed on September 7, 2005 is WITHHELD pending a final decision from the Panel on Multidistrict Litigation on transfer of this case to the multi-district litigation proceeding.

DONE this 20<sup>th</sup> day of October, 2005.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE

CM/ECF LIVE - U.S. District Court: Mississippi Southern District

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**Orders on Motions**

2:03-cv-00247-KS-JMR McFarland, et al v. Merck & Company, Inc, et al

U.S. District Court

Southern District of Mississippi

**RECEIVED**

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Notice of Electronic Filing

The following transaction was received from Regenold, Sheryal entered on 10/25/2005 at 10:56 AM CDT and filed on 10/25/2005

**Case Name:** McFarland, et al v. Merck & Company, Inc, et al

**Case Number:** 2:03-cv-247

**Filer:**

**Document Number:**

**Docket Text:**

TEXT ONLY ORDER granting [73] Motion to Stay . No further written order will issue from the Court. Signed by Judge John M. Roper on October 25, 2005. (Regenold, Sheryal)

The following document(s) are associated with this transaction:

2:03-cv-247 Notice will be electronically mailed to:

Walter H. Boone whboone@fpwk.com, akimbrow@fpwk.com

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10/25/2005

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CAROL SNOWBARGER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:05-CV-1660 (CEJ)
	)	
MONSANTO COMPANY, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on the joint motion of defendants Pfizer Inc., Pharmacia Corporation, and G.D. Searle LLC, to stay this action pending transfer to the Northern District of California, pursuant to 28 U.S.C. § 1407. Plaintiff opposes the motion, contending that the Court must first address whether it has subject matter jurisdiction.<sup>1</sup>

Plaintiff brings a wrongful death action, alleging her husband died as a result of taking the prescription drug Celebrex. On September 6, 2005, the Judicial Panel on Multidistrict Litigation (the Panel) transferred 31 civil actions to the United States District Court for the Northern District of California for pretrial proceedings, pursuant to 28 U.S.C. § 1407. In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation, (MDL-1699), --- F. Supp. 2d ---, 2005 WL 2206577 (Jud.Pan.Mult.Lit. Sept. 6, 2005). The Panel noted that more than

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<sup>1</sup>Plaintiff has filed a motion to remand to the Circuit Court of the City of St. Louis (Twenty-Second Judicial Circuit) from which it was removed. Plaintiff contends that defendant Monsanto Company is a citizen of Missouri and thus removal was improper. 28 U.S.C. § 1441(b) (action removable only if none of the properly joined defendants is a citizen of the state in which the action is brought).



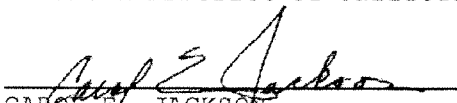
100 potentially related actions were pending in multiple federal districts and would be treated as potential tag-along actions. Id. at \*1 n.1.

The pendency of a motion to remand does not preclude entering a stay in this potential tag-along case if doing so would promote the interests of judicial economy and avoid inconsistent pretrial rulings. Indeed, prior to the creation of MDL-1699, the Panel suggested to federal district judges with Bextra- or Celebrex-related cases included in the initial MDL applications that staying consideration of pending remand motions "may be especially appropriate if the motion raises questions likely to arise in other actions in the transferee court and, in the interest of uniformity, might best be decided there." In re Bextra & Celebrex Marketing, Sales Practices & Prods. Liab. Litig. (letter) (Jud.Pan.Mult.Lit. May 13, 2005).

The Court determines that a stay in this matter will meet the interests of judicial economy and uniformity.

Accordingly,

**IT IS HEREBY ORDERED** that the motion of defendants Pfizer Inc., Pharmacia Corporation, and G.D. Searle LLC, to stay all proceedings pending transfer to the Northern District of California [#1] is **granted**.

  
CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 27th day of October, 2005.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FRANCES D. BANGS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:05-CV-1604 (CEJ)
	)	
PHARMACIA CORPORATION, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on the joint motion of defendants Pfizer Inc., Pharmacia Corporation, and G.D. Searle LLC, to stay this action pending transfer to the Northern District of California, pursuant to 28 U.S.C. § 1407. Plaintiff opposes the motion, contending that the Court must first address whether it has subject matter jurisdiction.<sup>1</sup>

Plaintiff seeks damages for injuries she alleges she sustained as a result of taking the prescription drug Bextra. On September 6, 2005, the Judicial Panel on Multidistrict Litigation (the Panel) transferred 31 civil actions to the United States District Court for the Northern District of California for pretrial proceedings, pursuant to 28 U.S.C. § 1407. In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation, (MDL-1699), --- F. Supp. 2d ---, 2005 WL 2206577 (Jud.Pan.Mult.Lit. Sept. 6, 2005). The Panel noted that more than 100 potentially related actions were

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<sup>1</sup>Plaintiff has filed a motion to remand to the Circuit Court of the City of St. Louis (Twenty-Second Judicial Circuit) from which it was removed. Plaintiff contends that defendant Monsanto Company is a citizen of Missouri and thus removal was improper. 28 U.S.C. § 1441(b) (action removable only if none of the properly joined defendants is a citizen of the state in which the action is brought).

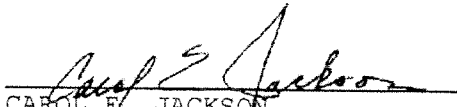
pending in multiple federal districts and would be treated as potential tag-along actions. Id. at \*1 n.1.

The pendency of a motion to remand does not preclude entering a stay in this potential tag-along case if doing so would promote the interests of judicial economy and avoid inconsistent pretrial rulings. Indeed, prior to the creation of MDL-1699, the Panel suggested to federal district judges with Bextra- or Celebrex-related cases included in the initial MDL applications that staying consideration of pending remand motions "may be especially appropriate if the motion raises questions likely to arise in other actions in the transferee court and, in the interest of uniformity, might best be decided there." In re Bextra & Celebrex Marketing, Sales Practices & Prods. Liab. Litig., (letter) (Jud.Pan.Mult.Lit. May 13, 2005).

The Court determines that a stay in this matter will meet the interests of judicial economy and uniformity.

Accordingly,

**IT IS HEREBY ORDERED** that the motion of defendants Pfizer Inc., Pharmacia Corporation, and G.D. Searle LLC, to stay all proceedings pending transfer to the Northern District of California [#6] is **granted**.

  
CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 26th day of October, 2005.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHARLES BRUUN,

Plaintiff,

v.

MONSANTO COMPANY, et al.,

Defendants.

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No. 4:05-CV-1644 CAS

**ORDER**

**IT IS HEREBY ORDERED** that defendants' motion to stay is **GRANTED**. [Doc. 6]



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CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 24th day of October, 2005.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ALBERTA COX,

Plaintiff,

v.

PFIZER, INC., et al.,

Defendants.

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No. 4:05-CV-1620 CAS

**ORDER**

**IT IS HEREBY ORDERED** that defendants' motion to stay is **GRANTED**. [Doc. 6]



\_\_\_\_\_  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 24th day of October, 2005.